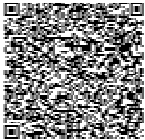


2024:PHHC:119876



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.222

CRM-M-44383-2024 (O&M)
Date of decision : 12.09.2024

Balvir Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Arnav Sood, Advocate, for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to
the petitioner in case FIR No.0080 dated 02.10.2023, under Sections 323,
324 & 307 IPC (Section 302 IPC added later on), registered at Police Station
Shahpur Kandi, District Pathankot.

2. The brief facts of the case are that on 01.10.2023, the petitioner
inflicted injuries on person of the complainant's son with an iron camera
stand, due to which, he got unconscious and was taken to Civil Hospital,
Pathankot for treatment from where he was referred to Guru Nanak Dev
Medical College, Amritsar, where about 06 days later, during treatment, he
succumbed to injuries.

3. Learned counsel for the petitioner submits that the petitioner
has been falsely implicated in this case. It is stated that the alleged
occurrence took place on 01.10.2023 at 09:15 P.M. and the FIR was
registered on 02.10.2023 at 09:30 P.M. after a delay of about 24 hours. He

2024:PHHC:119876



further submits that the injuries were inflicted on the person of the deceased- Deepak Kumar by some unidentified persons. He further contends that all the prosecution witnesses i.e PW1-complainant, PW2 & PW3-eye witnesses and PW4 & PW5 did not support the prosecution case and have turned hostile. The petitioner has undergone an actual custody of 11 months and 08 days and there is no other criminal case registered against him.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 11 months and 08 days and is not involved in other criminal case. Upon a query put by the Court, he has not disputed the fact that all the material witnesses have turned hostile. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner has undergone an actual custody of 11 months and 08 days and there is no other criminal case registered against him. All the prosecution witnesses did not support the prosecution case and have turned hostile. Therefore, this Court is of the considered view that further incarceration of the petitioner

will not serve any purpose.

2024:PHHC:119876



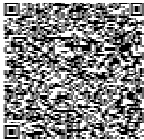
7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

2024:PHHC:119876



Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

12.09.2024

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No